

# Spain

## Section 1. Respect for the Integrity of the Person, Including Freedom from:

### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence.

#### Trial Procedures

The constitution and law provide for the right to a fair and public trial, and the judiciary generally enforced this right. Defendants enjoy a presumption of innocence and the right to be informed promptly and in detail of the charges against them with free interpretation as necessary. Trials were held without undue delay. There is a nine-person jury system. Defendants have the right to an attorney of their choice. If the defendant is indigent, the government appoints an attorney. Defendants and their attorneys have adequate time and facilities to prepare a defense, have access to government-held evidence, confront witnesses, and present their witnesses and evidence. Defendants cannot be compelled to testify or confess guilt and they have the right of appeal. These rights apply to all defendants without discrimination.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

Individuals or organizations may bring civil lawsuits seeking damages for a human rights violation. The complainant may also pursue an administrative resolution. Persons may appeal court decisions involving alleged violations of the European Convention on Human Rights to the European Court of Human Rights (ECHR) after they exhaust all avenues of appeal in national courts.

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, HIV-positive status, or having other communicable diseases, and the government generally enforced the law effectively.

### Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender

## Identity

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The lesbian, gay, bisexual, transgender, and intersex (LGBTI) community was widely accepted throughout the country. The law bans discrimination in employment. The law can consider an anti-LGBTI hate element an aggravating circumstance in crimes.

In Catalonia the law provides members of the LGBTI community greater protections than those provided by national law and prohibits discrimination based on sexuality in competencies of the regional government, such as the provision of education and health care. It reverses the burden of proof involved in cases of discrimination in the realms of civil and social law.

The country's consulates enroll in the civil registry of children born through surrogacy.

According to the Ministry of the Interior, of the 57 reported hate crimes during the first eight months of the year, two (4 percent) were linked to the victim's sexual orientation. Of the 1,285 hate crimes recorded in 2014, 513 (40 percent of cases) targeted LGBTI persons. The LGBTI association Arcopoli also asserted that most of the attackers were under the age of 30.

LGBTI associations claimed that homophobia among persons between the ages of 16 to 20 was rising. According to the Observatory against Homophobia in Catalonia, five minors attacked homosexual individuals in the first half of the year.

The government fought LGBTI hate crimes by sensitizing police and social workers on sexual diversity, increasing awareness of LGBTI hate crimes, making reporting easier, and providing better assistance to victims of these crimes. Employing a whole-of-government approach, the government channeled its effort in this area through the Spanish Observatory against LGBT-phobia, an initiative created by the Spanish Federation of LGBTI and with the support of the Ministries of Health, Social Services, and Equality; and the Interior.